

RAM & OLSON LLP
MICHAEL F. RAM (SBN 104805)
mram@ramolson.com
KARL OLSON (SBN 104760)
kolson@ramolson.com
555 Montgomery Street, Suite 820
San Francisco, California 94111
Telephone: (415) 433-4949
Facsimile: (415) 433-7311

EDELSON & ASSOCIATES, LLC
Marc H. Edelson (*Pro Hac Vice*)
medelson@edelson-law.com
45 W. Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

SPECTOR, ROSEMAN KODROFF & WILLIS, P.C.
Jeffrey L. Kodroff (*Pro Hac Vice*)
jkodroff@srkw-law.com
John A. Macoretta
JMacoretta@srkw-law.com
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Attorneys for Plaintiffs and the Class

MORGAN, LEWIS & BOCKIUS LLP
Kristofor T. Henning (PAB 85047) (*Pro Hac Vice*)
khenning@morganlewis.com
Franco A. Corrado (PA 91436) (*Pro Hac Vice*)
fcorrado@morganlewis.com
Shevon L. Scarafile (PAB 206552) (*Pro Hac Vice*)
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001

Attorneys for Defendant Hewlett-Packard Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

NORMAND PERRON, and G. DAVID
HATFIELD, on behalf of themselves and all
others similarly situated,

Plaintiffs,
v.

HEWLETT-PACKARD COMPANY, a
Delaware corporation,

Defendant.

CASE NO. C-10-0695-LHK

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
ORDER TO ADVANCE HEARING OF
PLAINTIFFS' MOTION TO STAY
LITIGATION**

1 Plaintiffs Normand Perron and G. David Hatfield and Defendant Hewlett-Packard ("HP")
2 hereby stipulate as follows:

3 1. On September 15, 2010 Judge James Ware of this Court issued an Order
4 (Document No. 250) in the *Nvidia GPU litigation*, Case No. 08-04312 which preliminarily
5 approved a settlement. Paragraph 14 of that Order states that "Pending final determination of
6 whether the Settlement should be approved, the Plaintiffs, all Settlement Class Members, and
7 each of them, and anyone who acts or purports to act on their behalf, shall not institute,
8 commence or prosecute any action which asserts Released Claims against any Released Person."
9 On September 23, 2010, HP moved to stay all proceedings in this matter pending a determination
10 whether the *Nvidia* settlement should be finally approved (Doc. No. 38). HP argued, among
11 other things, that Plaintiffs' claims in this matter are "Released Claims" for purposes of Judge
12 Ware's September 15, 2010 preliminary approval order and HP is a "Released Person" for
13 purposes of that order. Plaintiffs agreed that it is possible that their claims herein fall within the
14 definition of "Released Claims" in the *Nvidia* settlement. Plaintiffs filed objections to the Nvidia
15 settlement.

16 3. Judge Ware granted the Motion for Final Approval of Settlement in the *Nvidia*
17 *GPU litigation*.

18 4. On January 14, 2011, Plaintiffs appealed the final approval of the NVIDIA GPU
19 settlement.

20 5. On March 14, 2011, Plaintiffs filed a one-page motion to stay this case. To
21 conserve judicial resources, Plaintiffs move to stay this *Perron* wireless case until their appeal of
22 the NVIDIA graphics settlement approval is resolved. Plaintiffs agree that their claims in this
23 matter are released in the NVIDIA settlement. Therefore, if Plaintiffs lose the appeal, then their
24 claims in this case will be extinguished.

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6. Because the oppositions to HP's two motions to dismiss are due on April 14, the parties have agreed, subject to Court approval, to advance the hearing on Plaintiffs' Motion to Stay this case to April 7, 2011 at 1:30 p.m. HP's response would be due on March 28, 2011 and Plaintiffs' reply on March 31, 2011.

SO STIPULATED.

Dated: March 18, 2011

/s/ Michael F. Ram

Michael F. Ram (SBN 104805)
mram@ramolson.com
KARL OLSON (SBN 104760)
kolson@ramolson.com
RAM & OLSON LLP
555 Montgomery Street, Suite 820
San Francisco, California 94111
Telephone: (415) 433-4949
Facsimile: (415) 433-7311

Attorneys for Plaintiffs and the Class

Dated: March 18, 2011

/s/ Kristofor T. Henning

Kristofor T. Henning (PAB 85047) (*Pro Hac Vice*)
khenning@morganlewis.com
Franco A. Corrado (PA 91436) (*Pro Hac Vice*)
fcorrado@morganlewis.com
Shevon L. Scarafie (PAB 206552) (*Pro Hac Vice*)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001

Howard Holderness (SBN 169814)
hholderness@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

Attorneys for Defendant Hewlett-Packard Company

SO ORDERED.

Date: March 21, 2011



Lucy H. Koh
Judge, United States District Court

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EXHIBIT A

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Dated: March 18, 2011

/s/ **Michael F. Ram**
MICHAEL F. RAM (SBN 104805)
mram@ramolson.com
KARL OLSON (SBN 104760)
kolson@ramolson.com
RAM & OLSON LLP
555 Montgomery Street, Suite 820
San Francisco, California 94111
Telephone: (415) 433-4949
Facsimile: (415) 433-7311

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